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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,451	03/22/2001	Peter A. Burton	ATG-3	7648

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EXAMINER

RUDY, ANDREW J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,451

Applicant(s)

BURTON ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August & 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, lines 7-8, the phrase "said data set comprising a plurality of data objects" is not contained in the descriptive portion of the specification. Also, claim 21 does not have support in the descriptive portion of the specification, nor does claim 25. Applicant must clearly set forth where such material was originally presented in the present Application. Otherwise, the new matter must be cancelled from the claims.

Claim Rejections - 35 USC § 102

4. Claims 1, 9-11, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara, US 6,543,052.

Applicant is directed towards the previous Office Action, paragraph 2, regarding Ogasawara. Applicant's REMARKS have been reviewed, but are not convincing. Applicant's REMARKS are directed towards the amended claim language. However, as noted above, these claim limitations do not have support from Applicant's specification. Thus, they are not on point.

Claim Rejections - 35 USC § 103

5. Claims 2 and 12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, US 6,543,052 in view of Arthurs, US 6,591,261.

Applicant is directed towards the previous Office Action, paragraph 5, regarding Ogasawara, in view of Arthurs. Applicant's REMARKS have been reviewed, but are not convincing. Applicant's REMARKS are directed towards the amended claim language. However, as noted above, these claim limitations do not have support from Applicant's specification. Thus, they are not on point.

6. Claims 3 and 13, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, US 6,543,052 in view of Ronning, US 5,887,060.

Applicant is directed towards the previous Office Action, paragraph 6, regarding Ogasawara, in view of Ronning. Applicant's REMARKS have been reviewed, but are not convincing. Applicant's REMARKS are directed towards the amended claim language. However, as noted above, these claim limitations do not have support from Applicant's specification. Thus, they are not on point.

7. Claims 4 and 14, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, US 6,543,052 in view of Hirai, US 5,786,777.

Applicant is directed towards the previous Office Action, paragraph 7, regarding Ogasawara, in view of Hirai. Applicant's REMARKS have been reviewed, but are not convincing. Applicant's REMARKS are directed towards the amended claim language. However, as noted above, these claim limitations do not have support from Applicant's specification. Thus, they are not on point.

8. Claims 5-8, 15-18 and 21-27, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, US 6,543,052 in view of Ronning, US 5,887,060 in view of claim 3 above.

Applicant is directed towards the previous Office Action, paragraph 8, regarding Ogasawara, in view of Ronning. Applicant's REMARKS have been reviewed, but are not convincing. Applicant's REMARKS are directed towards the amended claim language. However, as noted above, these claim limitations do not have support from Applicant's specification. Thus, they are not on point. Further, the limitations provided for from the newly submitted claims would have been an obvious use of common knowledge.

9. Applicant' Information Disclosure Statement received December 1, 2004 has been reviewed. Note attached PTO-892.

10. Applicant's August 26, 2004 Amendment to the descriptive portion of the specification is accepted.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

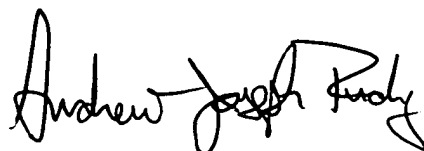
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is written in a cursive, flowing style with a large initial 'A' and 'R'.